



PATENT COOPERATION TREATY 04 OCT 2004

PCT 10/510062

INTERNATIONAL PRELIMINARY EXAMINATION REPORT  
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P103736PCT/JKH		<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA416)	
International application No. PCT/GB 03/01462	International filing date (day/month/year) 03.04.2003	Priority date (day/month/year) 03.04.2002	
International Patent Classification (IPC) or both national classification and IPC H04B1/16			
Applicant TTPCOM LIMITED et al.			
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of 1 sheets.</p>			
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the opinion</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>			
Date of submission of the demand 03.11.2003		Date of completion of this report 18.08.2004	
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465		Authorized Officer Ciccarese, C Telephone No. +49 89 2399-7302 	

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/GB 03/01462

### I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).*).

#### Description, Pages

1-5 as published

#### Claims, Numbers

9-13 as originally filed

1-8 received on 21.05.2004 with letter of 19.05.2004

#### Drawings, Sheets

1/1 as published

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

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5. ☒ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

**see separate sheet**

6. Additional observations, if necessary:

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Yes: Claims	
	No: Claims	1
Inventive step (IS)	Yes: Claims	
	No: Claims	2-13
Industrial applicability (IA)	Yes: Claims	1-13
	No: Claims	

**2. Citations and explanations**

**see separate sheet**

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**Citations:**

D1: EP1119159 A1  
D2: EP0498398 A2  
D3: DE29621022 U1  
D4: WO0161872 A2

**Re Item I**

**Basis of the report**

- 1 Contrary to the suggestions made by the Examiner, the Applicant did not indicate the basis for the amendments.
- 2 The basis for the following new features of claims 1 and 2 could not be found in the original disclosure:

**2.01 Claim 1**

- 2.01.01 line 6: "energised periodically to detect a radio channel"
- 2.01.02 line 7: omission of "in the stand by mode" in combination with other features
- 2.01.03 lines 7-8: energises ..."only during the radio channel"

**2.02 Claim 2**

- 2.02.01 omission of the second part of the claim

- 3 Therefore said amendments do not comply with Rule 70.2 (c) PCT.

**Re Item V**

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**Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

- 4 Document D1, see in particular the passages cited in the search report, discloses as in claim 1:

radio terminal	fig 1
audio generator	4
dsp	8
power supply	12
power controller	without this the step of periodically energising some of the blocs would be impossible, see paragraph 34 of D1
processor adapted to activating said terminal for communication in response to a predetermined sound	this happens in the "Etat de commande vocale" which corresponds to standby mode as defined in the application (communication is not yet established)

The references in parentheses apply to the figures of D1.

Since all the features of claim 1 are known from D1, the claim lacks novelty in the sense of Article 33(1),(2) PCT.

- 5 Moreover yet, claim 1 is not new against D2 and D3, since these documents disclose receivers which are waken up from a standby mode through a sound. Even in the case that it was proven that there are small differences between D1, D2 and D3 and the way the terminal in claim 1 is defined (e.g. that DSP and microprocessor are implemented by the same integrated circuit or not), it seems that they would be plain alternatives for a skilled person, so that they would involve no inventive step (Art. 33(3) PCT).
- 6 Dependent claims 2-13 do not appear to contain any additional features which, in combination with the features of any claim to which they refer, involve an inventive step (Article 33(3) PCT) since these claims merely define an association of known

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features functioning in their normal way and, in combination, not producing any non-obvious working interrelationship, cf. PCT Guidelines Chapt. IV,8.8(B1).

- 7 The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).
- 8 Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the documents D1 to D3 is not mentioned in the description, nor are these documents identified therein.